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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,173

11/25/2003

Jory Radke

PKY 301

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03/21/2006

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,173

Applicant(s)

RADKE, JORY

Examiner

Brian A. Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the button". There is insufficient antecedent basis for this limitation in the claim. For further consideration on the merits, it is assumed that claim 6 depends on claim 5.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elements of claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

2. Claims 1-4,7-10,12-16,20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Setlak (6067368).

Setlak shows a fingerprint analyzing system where the fingerprint analysis unit is unpowered until the finger pushes to operate a switch 54. The fingerprint is read using electrical properties, but Setlak discusses optical fingerprint readers also. Figure 12 shows a processor configured to create a digital representation of the detected fingerprint, which can be compared to a database of stored fingerprints (col. 1 lines 23-26). The fingerprint sensor window reads the distal end of the finger, and the finger is guided to the reader in a desired orientation.

3. Claims 1,7-10,13-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by O'Gorman (6970584). O'Gorman shows a fingerprint analyzing

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system where the fingerprint analysis unit is unpowered until the finger pushes element 110 to operate a switch 160. The fingerprint device can be used to authorize access to a computer or cell phone. Col. 1 lines 31+. The element 110 guides the finger into position for the reading element. The contact area where the finger meets the element 110 is elevated relative to the surface of the reading window. O'Gorman uses an LED to indicate to the user access granting, col. 6 lines 28-39.

4. Claims 1,7-10,13-18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yamagishi (6865913). Yamagishi shows a fingerprint analyzing system where the fingerprint analysis unit is unpowered until the finger pushes element 14 to operate a switch 14. The aperture 12 guides the finger into position for the reading element. The contact area where the finger meets the element 14 is elevated relative to the surface of the reading window. The fingerprint system is used to authorize access through a door generally made of wood or steel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setlak, O'Gorman and Yamagishi as applied to claim 1 above, and further in view of Srey (6141436). In an analogous art, Srey shows fingerprint-scanning device that is actuated by pressing a button 201. The use of a pushbutton assures pressure is made with the scanning device during the scanning process.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the pushbutton idea taught by Srey in the above fingerprint reading system since it would assure pressure was being made with the reader thus providing an accurate fingerprint reading.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Setlak, O'Gorman and Yamagishi as applied to claim 1 above, and further in view of Dixon (4633954).

The examiner takes official notice that systems with battery saving modes generally return to battery saving mode after an expiration of time in the active mode. As evidence, Dixon shows a power saving mode in a battery-operated controller. The battery saving mode is again activated once a time has expired, to improve the battery saving in the system. See col. 9 lines 3-7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have timed out of the active mode in the above systems and returned to the battery saving (power down) modes after the expiration of a time period to improve longevity of the batteries.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on 7 am to 4 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN ZIMMERMAN
PRIMARY EXAMINER

BAZ